

IN THE MATTER OF
THE APPLICATION OF
TIMONIUM LAND CORP. -LEGAL OWNER;
EXPRESS FUEL, INC. -Contract Lessee
FOR SPECIAL HEARING ON PROPERTY
LOCATED ON THE E/S YORK ROAD, 200'
N OF GERARD AVENUE
(2127 YORK ROAD)

8TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 00-558-SPH
*

* * * * *

ORDER OF DISMISSAL

This matter comes to the Board of Appeals by way of an appeal filed by Deborah C. Dopkin, Esquire, on behalf of Express Fuel, Inc., Contract Lessee, from a decision of the Zoning Commissioner dated August 21, 2000 in which the requested Petition for Special Hearing was denied.

WHEREAS, the Board is in receipt of a Motion to Dismiss said appeal filed May 17, 2001 by Deborah C. Dopkin, Esquire, counsel for Express Fuel, Inc., Appellant /Contract Lessee (a copy of which is attached hereto and made a part hereof); and

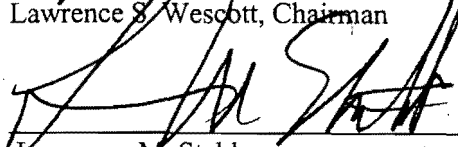
WHEREAS, counsel for said Appellant requests that the appeal taken in this matter be withdrawn and dismissed as of May 17, 2001;

IT IS ORDERED this 23rd day of May, 2001 by the County Board of Appeals of Baltimore County that the appeal taken in Case No. 00-558-SPH be and the same is hereby **DISMISSED**.

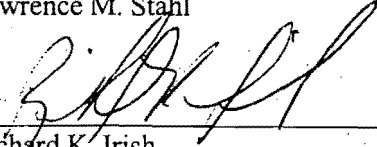
**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**



Lawrence S. Wescott, Chairman



Lawrence M. Stahl



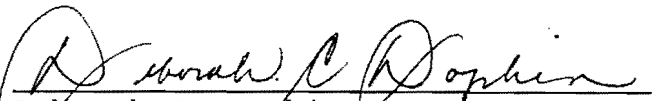
Richard K. Irish

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE COUNTY
E/S York Road		
200' N of Gerard Avenue	*	BOARD OF APPEALS
(2127 York Road)		
	*	OF BALTIMORE COUNTY
8 th Election District		
4 th Council District	*	Case Nos. 00-558-SPH
Timonium Land Corp., Owner;	*	
Express Fuel, Inc., Contract Lessee		
Petitioner	*	

* * * * *

MOTION TO DISMISS

Timonium Land Corp., Appellant, by its attorneys, Deborah C. Dopkin and Deborah C. Dopkin, P.A., hereby moves to dismiss on appeal noted on Appellant's behalf by a Notice of Appeal filed with this Board on September 20, 2000, appealing the Findings of Fact and Conclusions of Law rendered by the Zoning Commissioner of Baltimore County, dated August 21, 2000, denying its Petition for Special Hearing and the alternate relief requested therein.


 Deborah C. Dopkin
 DEBORAH C. DOPKIN, P.A.
 Suite 920, Mercantile-Towson Bldg.
 409 Washington Avenue
 Towson, Maryland 21204
 (410) 494-8080
 Attorney for Appellant

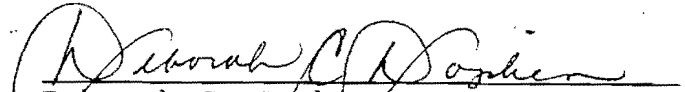
CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 17th day of May, 2001, a copy of the foregoing Motion to Dismiss was mailed, postage prepaid to Howard L. Alderman, Jr., Esquire, 305 W. Chesapeake

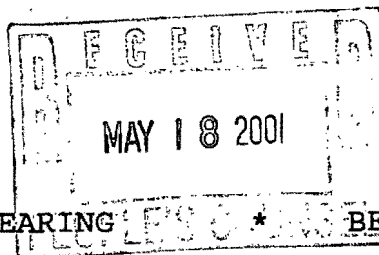
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Deborah C. Dopkin
 Attorney At Law
 409 Washington Avenue
 Suite 920
 Towson, MD 21204
 (410) 494-8080

Avenue, Suite 113, Towson, Maryland 21204; and to People's Counsel
for Baltimore County, Old Courthouse, Room 47, 400 Washington
Avenue, Towson, Maryland 21204.


Deborah C. Dopkin

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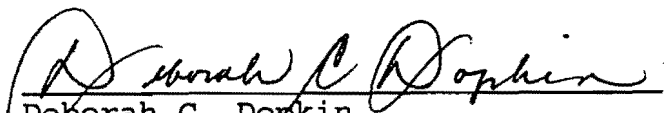
up/pen

RE: PETITION FOR SPECIAL HEARING * * * BEFORE THE COUNTY
E/S York Road
200' N of Gerard Avenue * BOARD OF APPEALS
(2127 York Road) * OF BALTIMORE COUNTY
8th Election District * Case Nos. 00-558-SPH
4th Council District *
Timonium Land Corp., Owner; *
Express Fuel, Inc., Contract Lessee *
Petitioner *

* * * * *

MOTION TO DISMISS

Timonium Land Corp., Appellant, by its attorneys, Deborah C. Dopkin and Deborah C. Dopkin, P.A., hereby moves to dismiss on appeal noted on Appellant's behalf by a Notice of Appeal filed with this Board on September 20, 2000, appealing the Findings of Fact and Conclusions of Law rendered by the Zoning Commissioner of Baltimore County, dated August 21, 2000, denying its Petition for Special Hearing and the alternate relief requested therein.


Deborah C. Dopkin
DEBORAH C. DOPKIN, P.A.
Suite 920, Mercantile-Towson Bldg.
409 Washington Avenue
Towson, Maryland 21204
(410) 494-8080
Attorney for Appellant

Deborah C. Dopkin
Attorney At Law
409 Washington Avenue
Suite 920
Towson, MD 21204
(410) 494-8080

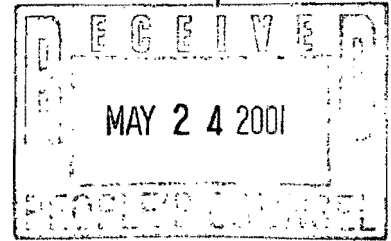
CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 17th day of May, 2001, a copy of the foregoing Motion to Dismiss was mailed, postage prepaid to Howard L. Alderman, Jr., Esquire, 305 W. Chesapeake



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182



May 23, 2001

Deborah C. Dopkin, Esquire
920 Mercantile-Towson Building
409 Washington Avenue
Towson, MD 21204

RE: *In the Matter of: Timonium Land Corp -Legal Owner/
Express Fuel, Inc. - Contract Lessee*
Case No. 00-558-SPH /Order of Dismissal

Dear Ms. Dopkin:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Kathleen C. Bianco
Administrator

Enclosure

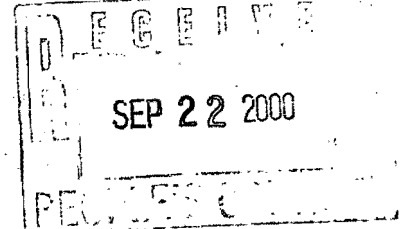
cc: Express Fuel, Inc.
Timonium Land Corp.
C. Richard Moore /Wells & Associates
Howard L. Alderman, Jr., Esquire
Mark Beckwith /Timonium Car Wash Ltd
J. Scott Davison
Laura Davison
William Davis
Kenneth Colbert
Jim Thomas
People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM



Re: PETITION FOR SPECIAL HEARING
E/S York Road,
200' N of Gerard Avenue
(2127 York Road)
8th Election District
4th Council District

Timonium Land Corp., Owner;
Express Fuel, Inc., Contract Lessee
Petitioner
Case No. 00-558-SPH

* BEFORE THE
* BOARD OF APPEALS
* OF BALTIMORE COUNTY

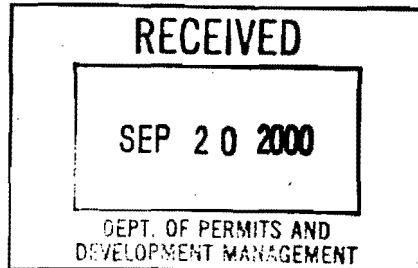


NOTICE OF APPEAL

Please note an appeal from the Findings of Fact and Conclusions of Law rendered by the Zoning Commissioner for Baltimore County, dated August 21, 2000 to the County Board of Appeals, and forward all papers in connection therewith to the Board for hearing. The Appellant is Express Fuel, Inc., Contract Lessee, whose address is 13814 Jarrettsville Pike, Phoenix, Maryland 21131.

Enclosed is the appeal fee of \$175.00.


Deborah C. Dopkin
Deborah C. Dopkin, P.A.
Suite 920
409 Washington Avenue
Towson, Maryland 21204
(410) 494-8080
Attorney for Appellant



Deborah C. Dopkin
Attorney At Law
409 Washington Avenue
Suite 920
Towson, MD 21204
(410) 494-8080

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 20 day of September, 2000, a copy of the foregoing Notice of Appeal was mailed, postage prepaid to People's Counsel, Court House, Towson, Maryland 21204.


Deborah C. Dopkin

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IN RE: PETITION FOR SPECIAL HEARING	* BEFORE THE
E/S York Road, 200' N of Gerard Avenue	
(2127 York Road)	* ZONING COMMISSIONER
8 th Election District	
4 th Council District	* OF BALTIMORE COUNTY
Timonium Land Corp., Owners;	
Express Fuel, Inc., Contract Lessee	* Case No. 00-558-SPH
	*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Timonium Land Corporation, by Mark Krug, Vice President, and the Contract Lessee, Express Fuel, Inc., through their attorney, Deborah C. Dopkin, Esquire. The Petitioners request a special hearing for a finding that a fully automated, exterior-only, conveyor-type car wash is in keeping with the spirit and intent of the definition of a roll-over car wash, as defined in Section 101 of the Baltimore County Zoning Regulations (B.C.Z.R.). In the alternative, the Petitioners request approval that such a car wash is permitted at the subject location, as was previously approved in Case No. 99-188-SPH. The subject property and relief requested are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 3.

Appearing at the requisite public hearing in support of the request were Mark A. Krug, Vice President of Timonium Land Corporation, owner of the subject property, and J. Scott Davison, a representative of Express Fuel, Inc., Contract Lessee. The Petitioners were represented by Deborah C. Dopkin, Esquire. Also appearing in support of the request were Laura Davison (Mr. Davison's wife), William P. Davis, a car wash expert, C. Richard Moore, a traffic engineering expert, and Kenneth Colbert, Professional Engineer who prepared the site plan for this property. Appearing in opposition to the request was Mark Beckwith, the owner/proprietor of a nearby service station/car wash at 2114 York Road. Mr. Beckwith was represented by Howard L.

Alderman, Jr., Esquire. Mr. Jim Thomas, a nearby resident of the area, appeared as an interested party.

The property under consideration is an irregularly shaped parcel, located on the east side of York Road, near the Timonium State Fairgrounds in Timonium. The property consists of a gross area of .638 acres, more or less, zoned B.M.-A.S., and is presently improved with a gasoline service station. The York Road corridor in this vicinity is highly commercial in character. In addition to the State fairgrounds, the property lies immediately adjacent to a restaurant and shopping center. The history of this site and the proposal under consideration is of note. The property was originally developed in the 1960s as a Texaco service station, which operated for many years. However, in approximately 1995, the current Petitioners acquired the site and converted the business to a Petro Fuel Station, which has operated to sell gasoline under that name since that time. In 1997, the Petitioners sought special exception and variance relief under Case No. 97-547-XA for a convenience store and roll-over car wash facility as uses in combination with the approved fuel service station. The undersigned Zoning Commissioner heard that case and issued a decision and Order granting the Petitions and approving the proposed uses on July 29, 1997. To the extent appropriate, the findings and conclusions in that decision are incorporated herein. It is to be noted that Mr. Beckwith appeared as a Protestant in that case. Indeed, many of the same parties present at the case now before me appeared in that case. It is significant to note that the Petitioners at that time requested approval of a "roll-over" car wash in combination with the approved fuel service station and proposed convenience store.

In 1998, the Petitioners sought special hearing relief under Case No. 99-188-SPH. In that case, the Petitioners sought approval of an amendment to the special exception and variance relief granted in prior Case No. 97-547-XA to permit the inclusion of a small carry-out restaurant in combination with the approved fuel service station, convenience store, and roll-over car wash facility. No one appeared in opposition to that request and the Petition for Special Hearing was subsequently granted in accordance with the Order issued in that matter on December 29, 1998.

Apparently, the Petitioners' plans have evolved and changed since the original proposal was contemplated in 1997. In addition to the two zoning cases referenced above, the Petitioners, through their engineer, filed a "more in keeping" letter with the Department of Permits and Development Management (PDM) on September 3, 1998. A copy of that letter, signed by Mr. Colbert, is contained within the record of the instant case. Mr. Colbert's letter indicates, in part, "While proceeding with final design for the project, the owners discovered that the size of the car wash approved under the Special Exception (36 feet long) was insufficient to house a 'roll-over' car wash which provided the most current efficiencies of operation. In order to properly house the more efficient car wash, a 50-foot long building would be needed." His letter went on to describe the number of vehicles which could be served per hour by the proposed car wash. Nonetheless, it is clear that Mr. Colbert's letter represented to the County that a "roll-over car wash" was proposed for the site. PDM responded to Mr. Colbert's letter on September 21, 1998, confirming PDM's approval of the "more in keeping" plan which was submitted by him.

The instant Petition has been filed apparently because question has been raised about the character of the proposed car wash equipment to be installed on this site. A visit to the site by this Zoning Commissioner disclosed that a significant amount of construction on the property has been completed and a car wash building has been erected. As framed in the Petition, the property owner/lessee seeks a finding through the Petition for Special Hearing that the proposed car wash facility is appropriate.

The initial issue to be considered in this case relates to the Petitioners' objections to Mr. Beckwith's participation at the hearing. As noted above, Mr. Beckwith owns a service station/car wash facility that is located immediately down and across York Road from the subject site. I have absolutely no doubt that Mr. Beckwith is concerned over the potential competition with his business that will be generated by the subject Petro Fuel station operation. Counsel for the Petitioners argued that Mr. Beckwith should not be permitted to participate at the hearing, in that his motives for opposition to the request were founded upon concerns over competition. As support, the Petitioners cited Eastern Service v. Cloverland, 130 Md. 1 (2000).

Although I am certain that competition forms a large part of Mr. Beckwith's opposition to the Petitioners' request, I do not agree that he should have been excluded as a participant at the hearing before me. The Eastern Service case cited is distinguishable. I explain.

Eastern Service presented a similar question that was decided by the Zoning Board in Baltimore City. On appeal, the Court of Appeals stated, "In Maryland, a person whose sole reason for appealing a decision from the Zoning Board is to prevent competition with his established business does not have standing." (Emphasis added) Page 8, citing Bryniarski v. Montgomery Co., 247 Md. 137 (1967). Indeed, it is of note that in the Eastern Service case, the competing businessman/protestant admitted in open hearing that his sole reason for opposition was competition.

In the case before me, I am being requested to render a decision on a Petition for Special Hearing filed by the Petitioners. The Petitioners are the parties who have brought this issue to the Zoning Commissioner for consideration. That is, unlike Eastern Service, this matter is not in the procedural posture of an appeal filed by a protestant/competitor. Moreover, Mr. Beckwith denied, through Counsel, that his sole reason for opposition arose out of competitive concerns. Indeed, he is a nearby property owner and could be impacted by traffic, noise, lights, etc. generated by the uses on the subject property. I am unable to make a finding that the sole reason for his opposition arises out of a fear of competition. For these reasons, I decline to adopt the Petitioners' position that he not be permitted to participate in the hearing.

Testimony was presented in the instant case from a variety of witnesses. Due to the constraints of time and space, that testimony will not be completely recounted here. However, it is to be noted that J. Scott Davison, the proprietor of Express Fuel, Inc., testified and explained the proposed operation. He discussed the history of the use, as outlined above, and the car wash machinery to be installed. Also testifying was William P. Davis, the owner/operator of several gas stations and car washes in the area. In fact, Mr. Davis' testimony was significant for his discussion of the equipment that will be installed on the subject property. In this regard, Mr. Davis testified that he owns a service station in Bel Air (Harford County) which operates the identical car wash equipment that is proposed here. That car wash is part of a Texaco service station located on

Route 22 in Bel Air. Following the hearing on the instant case, this Zoning Commissioner visited the car wash in Bel Air and paid to have his car washed at that facility. I was able to observe, first-hand, the operation of the car wash equipment at that station. Thus, I understand, from a laymen's perspective, the nature of the equipment proposed here.

Also testifying on behalf of the Petitioners was C. Richard Moore, a traffic expert with Wells and Associates. Mr. Moore's testimony discussed a number of car washes in the area. His written curriculum vitae (Petitioner's Exhibit 1) and report (Petitioner's Exhibit 2) were offered and are now part of the record of this case.

As is well-settled, Baltimore County's zoning regulations are written in the inclusive. That is, only those uses which are identified in the zoning regulations are permitted. See Kowalski v. Lamar, 25 Md. App. 493 (1975). Indeed, Section 102.1 of the B.C.Z.R. provides, "No land shall be used or occupied and no building or structure shall be erected, altered, located or used except in conformity with these regulations and this shall include any extension of a lawful, nonconforming use."

Car washes are defined in Section 101 of the B.C.Z.R. and are regulated in Sections 405 and 419 thereof. Section 101 expressly identifies three distinct types of car washes. Generally, the term "car wash" is defined as "An area of land and/or a structure with machine or hand-operated facilities used for the cleaning, washing, polishing or waxing of motor vehicles as a principal or accessory use." Within this general description, there are three different types of car washes identified; namely, a full-service car wash, a roll-over car wash, and a self-service car wash. A self-service car wash is "a car wash where equipment or facilities are provided for the self-service cleaning and washing of motor vehicles." It is clear, based on my examination of the equipment in Bel Air and the description offered at the hearing that the proposed car wash is not a self-service operation. When I visited the Bel Air facility, my hands did not get wet.

A roll-over car wash is defined as "A car wash where exterior only cleaning, washing or waxing services are provided on a roll-over basis with the vehicle in a stationary position during the servicing." Stationary is defined in Webster's Third New International Dictionary,

Unabridged, as "Fixed in a station, immobile, or standing still." Thus, it is clear that the drafters of the B.C.Z.R. intended for roll-over car washes to be those operations where the vehicle being serviced did not move.

A full-service car wash is defined in Section 101 as "a car wash providing automated exterior washing or waxing services, or which provides cleaning, washing, waxing, drying or interior cleaning by hand..." The regulations then go on to differentiate an automobile detailing operation from a full-service car wash. It is to be noted that the drafters of the B.C.Z.R. used the word "or" in defining the services offered by a full-service car wash. That is, a full-service car wash includes those washes providing automated exterior washing, exterior waxing, and those which provide cleaning, washing, waxing, drying, or interior cleaning by hand. The definition is written in the disjunctive; that is, not all of the elements described need be present. Indeed, a full-service car wash can be viewed as a catch-all among the car wash definitions. Any car wash which is not operated by the motorist for self-service cleaning or where the vehicle is not in a stationary position, is, by process of elimination and definition, a full-service car wash.

Irrespective of the Petitioners' arguments to the contrary, it is clear that the proposed car wash facility is a full-service car wash, as defined by Section 101 of the B.C.Z.R. When I visited Bel Air, my vehicle was placed upon a conveyor system which pulled the automobile through the car wash building. My vehicle was not stationary during the wash. By definition, this equipment is not a roll-over car wash. Based on this quite obvious conclusion, the Petitioners' request for special hearing relief must therefore be denied.

Notwithstanding this decision, however, the following comments are offered. First, there can be no argument made that the County is somehow estopped from revoking any permits previously issued for the car wash equipment. As noted above, the car wash building has been constructed and it appeared during my site visit to the property that construction is substantially complete. The testimony and evidence offered at the initial hearings before me was that the Petitioners were to install a roll-over car wash facility. Thus, it was properly assumed that this included machinery which fit the roll-over car wash definition. Later, within Mr. Colbert's "more

in keeping" letter, he affirmed that the Petitioners were installing a "roll-over" car wash operation. Thus, Baltimore County, including this Zoning Commissioner, has been repeatedly advised that the equipment to be installed fit the roll-over car wash definition. The Petitioner, apparently with the well-meaning intention of providing a state of the art car wash facility, has changed the machinery to be installed.

The decision herein no doubt causes complication to the Petitioners' plan. As noted during the hearing, a full-service car wash requires an increased number of stacking spaces than is mandated for a roll-over car wash. Apparently, although the Petitioner has sufficient stacking spaces for a roll-over car wash facility, it does not have a sufficient number of spaces required for a full-service car wash. The Petitioner may need to seek a variance of this requirement.

Additionally, the question of whether the proposed equipment is more efficient is irrelevant for the purposes of determining the issue presented in this case; to wit, identifying the nature of the proposed wash equipment under the B.C.Z.R. Whether this proposed equipment washes vehicles more quickly and efficiently does not matter. The narrow question presented turns on the identity and nature of the equipment installed.

Finally, the Petitioner presented prior decisions of this office, where it is alleged, similar equipment was construed to be a roll-over car wash, as defined. I do not find those cases compelling. The issue presented therein was not crystallized as is the case here. The record presented is not persuasive to the conclusion that the equipment considered in those cases is what is proposed in the instant matter. To the contrary, the Petitioner requested that I visit the Bel Air, Maryland operation, I have done so. While there, my car moved as it was washed. That machinery, as is proposed here, is not a roll-over car wash, as defined.

In sum, the Petitioners must now either change the equipment installed/to be installed to that associated with a roll-over car wash facility or file whatever Petition for Variance relief might be required to legitimize a full-service car wash facility at this location. It would be during the hearing in that matter that issues such as the productivity and desirability of the equipment currently used in Mr. Davis' operation would be considered. Indeed, if the proposed equipment is

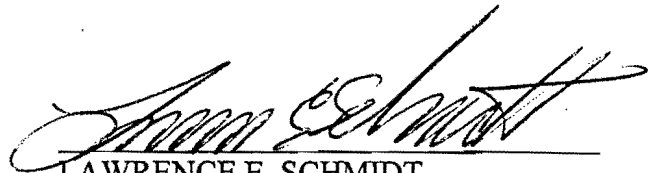
faster and more efficient, a valid argument in support of the necessary variances to install this equipment might be made.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of August, 2000 that the Petition for Special Hearing seeking a finding that a fully automated, exterior-only, conveyor-type car wash is in keeping with the spirit and intent of the definition of a roll-over car wash, as defined in Section 101 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the alternative request within the Petition for Special Hearing seeking approval that such a car wash is permitted at the subject location, as was previously approved in Case No. 99-188-SPH, be and is hereby DENIED.

The Petitioners shall have thirty (30) days from the date of this Order to file an appeal of this decision.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs



Baltimore County
Zoning Commissioner

August 21, 2000

PMZ
follow if appealed
Suite 405, County Courts Bldg. *CP*
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

Deborah C. Dopkin, Esquire
409 Washington Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
E/S York Road, 200' N or Gerard Avenue
(2127 York Road)
8th Election District – 4th Councilmanic District
Timonium Land Corporation, Owners; Express Fuel, Inc., Lessee - Petitioners
Case No. 00-558-SPH

Dear Ms. Dopkin:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Messrs. Mark A. Krug and J. Scott Davison, Petro Fuel, Inc.
2127 York Road, Timonium, Md. 21093
Howard L. Alderman, Jr., Esquire, Levin & Gann
305 W. Chesapeake Avenue, Suite 113, Towson, Md. 21204
Mr. Mark Beckwith, Timonium Car Wash, 2114 York Road, Timonium, Md. 21093
✓ People's Counsel; Case File





review 6/20/00

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2127 YORK ROAD
which is presently zoned BM - AS

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHED

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

EXPRESS FUEL, INC

Name - Type or Print

X [Signature] 410
Signature
13814 JARROTTSVILLE PIKE 628-1410
Address Telephone No.
PHOENIX MD 21131
City State Zip Code

Attorney For Petitioner:

Deborah C Dopkin

Name - Type or Print

[Signature]
Signature

Company

409 WASHINGTON AVE 410 494-8080
Address Telephone No.
TOWSON MD 21204
City State Zip Code

Legal Owner(s):

TIMONIUM LAND CORP

Name - Type or Print

X [Signature]
Signature
MARK KRUG, VP
Name - Type or Print

Signature

14236 SAW MILL CT 410 628-1410
Address Telephone No.
PHOENIX MD 21131
City State Zip Code

Representative to be Contacted:

Deborah C Dopkin

Name

409 WASHINGTON AVE 410-494-8080
Address Telephone No.
TOWSON MD 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 HR

UNAVAILABLE FOR HEARING _____

Case No. CO-558-SPH

Reviewed By VL Date 6/28/00

That a fully automated, exterior-only, conveyor type car wash is in keeping with the spirit and intent of the definition of a roll-over car wash as defined in §101 of the Baltimore County Zoning Regulations; or

Alternatively

That such a car wash is permitted at the subject location as previously approved in Case No. 99-188 SPH.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 21, 2000

Attorney Deborah C. Dopkin
409 Washington Avenue
Towson MD 21204

Dear Attorney Dopkin:

RE: Case Number 00-558-SPH , 2127 York Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 28, 2000.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", written over a horizontal line.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures



cd/SM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: July 21, 2000

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 552 & 558

The Office of Planning has reviewed the above referenced case and has no comments to offer.

For any further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by: *Mark A. Cunningham*

Section Chief: *Jeffrey W. Long*

AFK/JL:MAC



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 7.18.00

Ms. Ronnay Jackson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 558

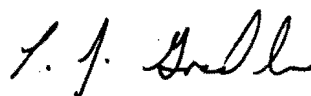
JLL

Dear Ms. Jackson:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US 45 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,


for Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL HEARING
2127 York Road, E/S York Rd, 200' +/- N of Gerard Ave
8th Election District, 4th Councilmanic

Legal Owner: Timonium Land Corp.
Contract Purchaser: Express Fuel, Inc.
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-558-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of July, 2000 a copy of the foregoing Entry of Appearance was mailed to Deborah C. Dopkin, Esq., 409 Washington Avenue, Suite 920, Towson, MD 21204, attorney for Petitioner(s).



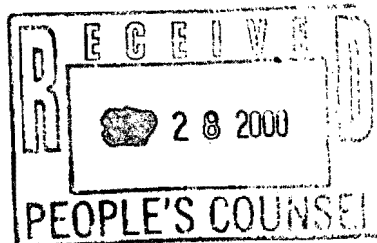
PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

September 27, 2000



Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, MD 21204

Dear Mr. Alderman: *TIMONIUM LAND CORP. / EXPRESS FUEL, INC.*
RE: Case No. 00-558-SPH, 2127 York Road

Please be advised that an appeal of the above-referenced case was filed in this office on September 20, 2000 by Deborah C. Dopkin, Esquire, on behalf of Express Fuel, Inc., Contract Lessee. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

NOTE: The subject property will be posted with the date, time, and location of the appeal hearing. If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

Sincerely,

Arnold Jablon, Director

AJ:scj

c: Deborah C. Dopkin, Esquire, 409 Washington Avenue, Towson, MD 21204
Timonium Land Corp., c/o Mark Krug, 14236 Saw Mill Court, Phoenix, MD 21131
Express Fuel, Inc., 13814 Jarrettsville Pike, Phoenix, MD 21131
C. Richard Moore, Wells & Associates, 420 Virginia Avenue, Towson, MD 21204
J. Scott Davison, 2127 York Road, Timonium, MD 21093
Laura Davison, 108 Beech Hill Lane, Towson, MD 21286
William Davis, 30 School House Lane, North East, MD
Kenneth Colbert, 2835 Smith Avenue, Suite G, Baltimore, MD 21209
Timonium Car Wash, Ltd., c/o Mark Beckwith, 2114 York Road, Timonium, MD 21093
Jim Thomas, 1054 Marleigh Circle, Towson, MD 21204
People's Counsel



APPEAL

Petition for Special Hearing
2127 York Road
E/S York Road, 200' N of Gerard Avenue
8th Election District – 4th Councilmanic District
Timonium Land Corp. - Legal Owner
Express Fuel, Inc. - Contract Purchaser
Case Number: 00-558-SPH

Petition for Special Hearing (filed 6/28/00)

Description of Property

Notice of Zoning Hearing (dated 6/30/00)

Certification of Publication (7/13/00 – The Jeffersonian)

Certificate of Posting (7/13/00 by Patrick M. O'Keefe) – NO ORIGINAL IN FILE

Entry of Appearance by People's Counsel (dated 7/28/00)

Petitioner(s) Sign-In Sheet

Protestant(s) Sign-In Sheet

Citizen(s) Sign-In Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibits:

- 1 Resume of C. Richard Moore, Vice President of Wells & Associates, Inc.
- 2 Letter to Mr. J. Scott Davison, c/o Express Fuel Inc., from C. Richard Moore, Vice President of Wells & Associates, Inc. (dated 7/28/00)
- 3 Plan to Accompany Special Hearing for Petro Station, 2127 York Road (dated 6/27/00)

Misc. (Not Marked as Exhibits):

- ♦ Letter (with attachments) to Lawrence E. Schmidt, Esquire, Zoning Commissioner for Baltimore County from Deborah C. Dopkin, Esquire (dated 8/4/00)
- ♦ Copy of zoning case 94-503-SPHXA (including plat) for Shell Oil Company, 6600 Security Boulevard
- ♦ Copy of order for zoning case 97-547-XA for Timonium Land Corp., 2127 York Road
- ♦ Copy of order for zoning case 99-188-SPH for Timonium Land Corp., 2127 York Road
- ♦ Letter to Mr. Arnold Jablon, Director, Baltimore County Department of Permits and Development Management from Kenneth J. Colbert of Colbert Matz Rosenfelt, Inc. (dated 9/3/98)
- ♦ Letter to Mr. Kenneth J. Colbert of Colbert Matz Rosenfelt, Inc. from John L. Lewis, Planner II, Zoning Review (dated 9/21/98)
- ♦ Letter to Arnold Jablon, Esquire, Director of Baltimore County Department of Permits and Development Management from Deborah C. Dopkin (no date)
- ♦ Definitions of "Car Wash", "Car Wash, Full-Service", "Car Wash, Roll-Over" and "Car Wash, Self-Service" taken from Section 101, Definitions, of the Baltimore County Zoning Regulations

Zoning Commissioner's Order dated August 21, 2000 (Denied)

Notice of Appeal received on September 20, 2000 from Deborah C. Dopkin, Esquire on behalf of Express Fuel, Inc., Contract Lessee

C: Deborah C. Dopkin, Esquire, 409 Washington Avenue, Towson, MD 21204
Timonium Land Corp., c/o Mark Krug, Vice President, 14236 Saw Mill Court, Phoenix, MD 21131
Express Fuel, Inc., 13814 Jarrettsville Pike, Phoenix, MD 21131
Howard L. Alderman, Jr., Esquire, Levin & Gann, P.A., 305 West Chesapeake Avenue, Suite 113, Towson, MD 21204
People's Counsel of Baltimore County, MS #2010
Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

8/15/2000

notified Lou Miller /
he is notified of

PM 2